

CLARK

Land Book L. Upper Canada. 1821 to 1824. Prov. Archives

*Non-Pay. 8
Settlement Duties
Petition*

~~p. 146.~~ Read before the Council 31st October, 1821
(see Report of Council on the Petitions 12th December 1821
-- marginal note)
James Clarke & Robert Clark praying for leave to locate
Lots in Toronto & Esquering heretofore located by
persons who have failed to perform the Settlement
Duties.

The Committee do not recommend the Petition
until some general Rule is adopted to govern the ab-
solute forfeiture of Location On Non performance
of Settlement Duty.

page 160.

12th December 1821.

Read the following Report of a Committee of the Executive
Council on the Petition of James Clark & Robert Clark.
May it please your Excellency.

(marginal note - revised in council 6th March 1822)

In obedience to Your Excellency's Commands
communicated in Mayor Hillier's Letter of the 12th
November last addressed to the Chairman of the Executive
Council with the Petitions of James Clarke and Robert
Clark - The Committee of the Executive Council have
taken into consideration the subject matter of said
Petitions, and respectfully submit, that the general

-2- 31st October, 1821.

11534

Order in that respect be ~~re~~ rigidly enforced in all Cases where a Sworn Deputy Surveyor is appointed for that purposes by the Surveyor General on reference of any Petitions from Your Excellency in Council shall at the charge of such Petitioner report upon Oath that the Settlement Duty has not been performed ~~in~~ conformable to the condition of Location.

All which is respectfully submitted.

(Signed) Wm. Dummer Powell C.J.

(S) P.M.

Extra copy
CLARK, U.E. (Bender)

M. Miceli

Story taken from ONTARIO SOCIETY PAPERS AND RECORDS
Vol. XXV by Ernest Green.

Philip George Bender, a native of Germany, and his wife, born in Holland, emigrated, early in the second half of the eighteenth century, to New Jersey, removing after a short time to Philadelphia. In the winter of 1776 they formed part of a company of 53 loyalist refugees who, having been driven from their homes, took the wilderness trails towards Niagara. Exhaustion, hunger, cold and disease so beset them that only 7 reached Fort Niagara in the following April --- Bender and his wife being of the number. Some of the others had found refuge with sympathizers along the way, some had sought shelter with Indians, some had laid down to die in the forest. (Tradition).

Bender enlisted in Butler's Rangers in 1778 and served five years. He was one of the two first settlers in Stamford township, and chose his land on the brink of the gorge, facing the Falls. He was granted 300 acres, with family lands added later. His lots now form a large part of the site of the city of Niagara Falls. Two children had been brought from the lost home in Pennsylvania (it is believed that they were left with friends and sent to Niagara some time after the flight of the parents) and three others were born before 1789. Elinor, a daughter, married John Burch, Jr.

Clark, U.E. (Bender)

(2)

In the list of farmers-settlers in 1783 the family appears as "Banter" and its members, with their ages, are ~~Philip~~ Philip 40, Mary 30, John 8, Mary 5, Sarah 2.

our
township
book record

(Another daughter, Elizabeth, married Elijah
(Clark of Stamford. She located her U.E. grant in
(Toronto township S.D.S. 170 acres Lot 3 Con.1 -
(and 30 acres Lot 4 Con.2.

There are numerous references to Bender's home in Mrs. Simcoe's diary, but she spells the name "Painter" as does also Captain ~~Thays~~. The house, which stood where the new factory of the Oneida Community is located, was burned by the United States forces during the war of 1821-14. When the old Loyalist couple died, they were ~~buried~~ on the farm, and natural slabs of stone from the gorge were erected at the graves. When the Erie & Ontario railway was built, the remains were exhumed and reinterred on Drummond Hill, but the stones were not replaced. The location of the graves is now not known.

John Bender, son of Philip, served in 1812-14 in the 2nd Lincoln, in the Niagara Light Dragoons, in Merritt's Provincial Dragoons, and in the militia artillery. He married a Marr and had a family of 11. Their eldest son Philip was a cavalry officer in 1837

Clark, U.S. (Bender)

(3) 11537

and rose to be a lieutenant-colonel of militia. A grandson, Hiram, served in 1866 and was later major of the 44th Lincoln & Welland Regiment; one of his sons, Harry, great-grandson of the original settler was with the Canadians in France in the Great War. Thus, five successive generations of this Loyalist family bore arms for the British Crown.

There is a tradition in the Bender family, that Philip, the Banger, bought land from the Indians. As the British government recognized no private treaties between whites and Indians affecting lands, this has been denied. The explanation of the story lies in a document, now in the Archives, Ottawa, reading as follows --

"Niagara, 14 May, 1783

"You may purchase the Indian Improvements and allow five or six pounds for the whole below John Hutchison's which you will be repaid should government think proper to take it from you together for what may be thought reasonable for such improvements as you may make hereafter."

"Mr. Bender

"John Butler."

The "improvement" purchased by Bender from the Indians was a spring. In 1797 he brought the matter before the Executive Council and asked that a deed be issued to him for lot 128, on which he said the spring was located. This was done. A little later he discovered that he had given the wrong lot number, the spring being

Clark, U.E. (Bender)

(4)

on Lot 144, adjoining. He asked that No. 144 be given him, but it had already been granted to James Forsyth.

When making his claim before the Commissioners on Claims, Bender stated that he was a native of Germany and came to America when very young; and had taken up 320 acres on the Susquehanna; Indians and rebels carried off his livestock and some of his grain; tried to remove his ~~furniture~~ furniture but was found out by the rebels; abandoned everything, including \$120 worth of clothing and furniture, in the spring of 1777 and joined Col. Butler at Niagara; could not stay any longer without ~~xxx~~ joining the rebels; was ~~xxx~~ discharged from the army in 1782.

His evidence was corroborated by John Depuy. A notation on the Commissioners' record reads: "a very good man--to be allowed as much as we can."

LAND BOOK ~~K~~ Upper Canada. 1819 to 1820 ProvArchives.
page 238. 11539

Read before the Council. th 25 August 1819.

C.183. James Cooper.

Praying that his Name may be restored
to the U. E. list.

The petitioner Not having adduced proofs
that he had actually joined the Royal Standard (One
of the great requisits to entitle him to the privilege
of an U. E.) his petition cannot be Granted.

C. 184.

Edward Clark

Praying that his Name may be inserted
on the U. E. list.

Cannot be granted, not having borne Arms.

φ.P.77

Wm. Peacock.

~~Stating that he is Settled on Lot No. 17
in the 3rd Concession of Etobicoke a Crown Reserve and
praying that his family may be located on the Lands ad-
joining that on which he is settled which per Surveyor
General's Report is in the Gore of Toronto.~~

1833
no much
infected

copy in
F. H.

MS-F
11540

ONTARIO HISTORICAL SOCIETY PAPERS AND RECORDS
VOL. XXV.

Toronto Published by the Society 1929.

Chap. XI. Township No. 2--Mount Dorchester--Stamford

By Ernest Green, F. R. Hist. S.

p. 281.

BENDER

Philip George Bender, a native of Germany, and his wife, born in Holland, emigrated, early in the second half of the eighteenth century, to New Jersey, removing after a short time to Philadelphia. In the winter of 1776 they formed part of a company of fifty-three Loyalist refugees who, having been driven from their homes, took the wilderness trails towards Niagara. Exhaustion, hunger, cold and disease so beset them that only seven reached Fort Niagara in the following April,--Bender and his wife being of the number. Some of the others had found refuge with sympathizers along the way, some had sought shelter with the Indians, some had laid down to die in the forest. (Tradition)

Bender enlisted in Butler's Rangers in 1778 and served five years. He was one of the two first settlers in Stamford township, and chose his land on the brink of the gorge, facing the Falls. He was granted 300 acres, with family lands added later. His lots now form a large part of the site of the city of Niagara Falls. Two children had been brought from the lost home in Pennsylvania (it is believed that they were left with friends and sent to Niagara some time after the flight of the parents) and three others were

-2- Bender - p. 281 cont'd.

11541

born before 1789. A daughter, Elinor, married John Burch Junior.

In the list of farmers-settlers in 1783 the family appears as "Banter" and its members, with their ages, are Philip 40, Mary 30, John 8, Mary 5, Sarah 2.

There are numerous references to Bender's home in Mrs. Simcoe's Diary, but she spells the name "Painter," as does also Captain Enys. The house, which stood where the new factory of the Oneida Community is located, was burned by the United States forces during the war of 1812-14. When the old Loyalist couple died, they were buried on the farm, and natural slabs of stone from the gorge were erected at the graves. When the Erie & Ontario railway was built, the remains were exhumed and reinterred on Drummond Hill, but the stones were not replaced. The location of the graves is now not known.

John Bender, son of Philip G., served, in 1812-14, in the 2nd Lincoln, in the Niagara Light Dragoons, in Merritt's Provincial Dragoons, and in the militia artillery. He married a Harr and had a family of eleven. Their eldest son, Philip, was a cavalry officer in 1837 and rose to be a lieutenant-colonel of militia. - grandson, Wiram, served in 1866 and was later major of the // 44th Lincoln & Welland regiment; one of his sons, Harry, great-grandson of the original settler was with the Canadians in France in the Great War. Thus, five successive generations of this Loyalist family bore arms for the British Crown.

There

Phalacrocorax

on 1. 201. ³/₇ 910.2
400 km

U. E.

11542

Phalacrocorax

B.R. 201. 201. 201.

A.L.H. 191. 191. 191.

191. 191. 191.

There is a tradition in the Bender family, that Philip, the hanger, bought land from the Indians. As the British government recognized no private treaties between whites and Indians affecting lands, this has been denied. The explanation of the story lies in a document, now in the Archives, Ottawa, reading as follows:

p. 282

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The "improvement" purchased by Bender from the Indians was a spring. In 1797 he brought the matter before the Executive Council and asked that a deed be issued to him for lot 128, on which he said, the spring was located. This was done. A little ~~late~~ later he discovered that he had given the wrong lot number, the spring being on Lot 144, adjoining. He asked that Lot 144 be given him, but it had already been ~~granted~~ ^{granted} to James Fort.

When making his claim before the Commissioners on Claims, Bender stated that he was a German; and came to America when very young; and took 320 acres on the Susquehanna; Indians and rebels carried off his live stock and some of his grain; tried to remove his furniture

-4- Bender - p. 282 cont'd.

too fast and was found out by the rebels; abandoned every-
 thing, including ^{£120} ~~£120~~ worth of clothing and furniture, in the
 spring of 1777 and joined Col. Butler at Niagara; could not
 stay any longer without joining the rebels; was discharged
 from the army in 1762.

His evidence was corroborated by John Leguy. A
 notation on the Commissioners' record reads: "a very good
 man--to be allowed as much as we can."

Handwritten:
 ...
 another daughter of Philip, Elizabeth, married
 Elijah Stark ... She lived
 her U.E. grant in Town of ... S.D.S. Lot 3 Cont.
 170 acres. and Lot 4 Cont. 2. S.D.S. 30 acres

Ridout Papers, 1787-1804.

Regulations 1804.

Mr. Receiver General Russell made Distribution of fees to the Land Granting Officers for Land to the following persons, tho' no Patent of Grant is as yet perfected, July 30th, 1815.-

Philip Bender....200...Loan. in Toronto-Cert. of Sett. Duty
wanting.

Philip George Bender, a native of Germany ^{born in 1743} early in the 2nd half of the 18th century was born in 1743 and came ~~with his wife Mary~~ to America. His wife Mary was a native of Holland. He settled in New Jersey, moving later to Philadelphia. 1776 they were driven from their home by the rebels. They set out for Niagara, reaching there next year. 1778 Philip enlisted in Butler's Rangers. He was one of the first two settlers in Stamford township, discharged 1782, receiving 300 acres on the gorge facing Niagara Falls, family lands being added later. 2 children were brought from Pennsylvania, 3 more being born later. In 1783 John was 8 years old, Mary 5, Sarah 2, Elinor and Elizabeth were born later. 1784 Philip Bender is listed as receiving rations. 1786 he is on the Niagara Provision List.

^{located}
~~Received~~ land in Peel, 1808, Toronto SDS, Lot 3, Con.1, but had not improved it when it was surveyed in 1810. His daughter, Elizabeth, wife of Elijah Clark of Stamford, inherited it in 1834, but sold it in 1835. So no Benders in Peel.

John, son of Philip, served in 1812-14 in 2nd Lincoln, Niagara Light Dragoons, Merritt's Provincial Dragoons. Married a Miss Marr and had ~~12~~ children.

Philip, eldest son of John, was a cavalry officer in 1837, later a Lt.-Col. of militia.

Hiram, grandson of John ~~and son of Philip~~, served in 1866, and was later Major in 44th Lincoln and Welland.

Harry, son of H

11547

Toronto Twp. S.D.S.

Lot 3 Con.1 S.D.S. Pat. 24 Sept. 1834 Elizabeth Clarke 170 acs.

Lot 4 Con.2 S.D.S. Pat. 24 Sept. " " " 30 acs.

FAMILY HISTORYName? Elizabeth ClarkLot and Concession? Toronto S.D.S. Con. 1 (170 ac.) PATENT
Lot 3 (1834)

Date of Birth?

Date of Death?

Place of Burial?

Parents?

Where did they live?

From where did they come and when?

Wife's name?

Wife's father's name?

Wife's father's place of residence?

Date of wife's birth?

Date of wife's death?

Place of wife's burial?

What was.....Occupation?

Religion?

Politics?

What offices did he hold in the Community, Township, County,
Province, School and Church?

To what Societies or Military Organizations did he belong?

Did he raise any pure-bred stock? If so, what breeds?

11549

- 2 -

Name? Elizabeth Clark

Lot & Con. Toronto S.D.S. Con. 2 170 ac.
Lot 4

CHILDREN (IF ANY)

Please List as follows:

(1) Name

(2) Date of Birth (3) Place of Residence

(4) Date of Death

(5) Place of Burial (6) To whom Married

ALSO OWNED:

Toronto S.D.S. -
Con. 2 Lot 4 30 ac. (14 Sept. 1834) PATENT

Any further information?

From

"Loomis no 2 - moun-
 on base - the sign. In
 and base, and the
 post in 1880 (M-Vision)

July 20, 1784 "Sellers who
 receive 2.00 - 1.00
 per year, John E. Loomis.

11551

DOCUMENTARY HISTORY OF NEW YORK

Vol.3

p.404

Palatine Volunteers for the Expedition Against Canada

From Hunterstown, 16 July 1711

Geo. Bender



(There were 25 Volunteers)

336 men women and child

Mrs. Bender
CLARK, U.E.

(Bender)

M. Miceli

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(Another daughter, Elizabeth, married Elijah
(Clark of Stamford. She ~~located her U.E. grant in~~ *obtained Patent for*
(Toronto township S.D.S. 170 acres Lot 3 Con.1 -
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(*Philip Bender, original nominee.*

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APW-ITK
Engls.
No 04
P.S. 1902
of 1902

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Crown Land Letters Calif no. Archives 11557
East Block 12

Stamped 5th June 1816

Sir I have employed a person to do the
writing duties on lot number three south side
around the sheet in the 1st range of Townships / the
work is now begun & will be complete by the
middle of next week.

I am Sir your humble servant

Chas. Philip Bender.

Thomas Bendall
Sur. Gen. etc.

0

2

Ad 1211

JF
1.

CLARK- GAMBLE.

Dr. Joseph Clark, ^{U.E.} 1776 joined British army in New York. 1783 moved with wife, Isabella Elizabeth Alleyne and 3 daughters to New Brunswick, then part of province of Acadia. Took up residence at Mangerville. 1784 Isabella Elizabeth, his daughter married Dr. John Gamble, eldest son of Wm. Gamble of Ireland. Dr. Gamble was born 1758, studied in Scotland, emigrated to New York, entered British service as Ass't surgeon in General Hospital. Served with old "Queen's Rangers" as Surgeon. After peace went to Acadia, married Isabella, practised in St. John, living in N.B. till 1793, when having been appointed Ass't Surgeon to the 1st Regt. of Queen's Rangers he joined his Regt. at Niagara, having left his wife and 5 daughters at Mangerville. Mrs. Gamble lived with her father till 1798 when her husband having been promoted to Surgeon in his Regt., she with 5 daughters and a sister, later to marry Sir Samuel Smith (SFR-Samuel Smith, U.E.) joined Dr. Gamble then with his Regt. in York. 1802 Queen's Rangers were disbanded, and family moved to Kingston, where Dr. practised till death, 1811. Mrs. Gamble remained in Kingston till 1820, then with family moved to Toronto where she lived till her death, 1859. Had 13 children, 9 daughters and 4 sons.

Isabella, eldest, married Robt. Chas. Horne, Ass't Surgeon in Glengarry Light Regt.

JP
2.

CLARK-GAMBLE

Mary Ann married Col. Sinclair, Royal Artillery.

Sarah Hannah Boyes, married James Géddes, Ass't Surgeon, Medical Staff.

Leah Syrer, married Hon. Wm. Allan. first postmaster and Collector of Customs in York. He served in 1812 as Lt.-Col. of Militia; for many years Legislative Council and Executive Council. President of Bank of Upper Canada.

Their son, George-Wm. Barrister. Lt.-Col. of militia. Mayor of Toronto, 1865. Member of Senate 1867 Legislative Council of Canada 1868-67. Speaker of Senate 1888-91. Chancellor of Trinity College. Member of Chapter of St. Alban's Cathedral. President of Ontario Society of Artists and of Historical Society of Ontario, and of U.C. Bible Society. Gave 5 acres to public which form part of Horticultural Gardens in Toronto. Allan Gardens. Married Louisa-Maud, daughter of John Beverley Robinson.

Rachel, daughter of Dr. Gamble, married Sir James Buchanan Macaulay.

Son of Dr. Gamble, John Wm. of Vaughan, J.P.

Wm. of Milton, Etobicoke. Owned land in Peel.

Son of Dr. Gamble, Clarke Gamble, K.C. owned land in Peel. Born Kingston, 1808. Died 1902.

Called to bar, 1832 City solicitor, 1840-63. 1840 became bench.

1867 C.C. Drew charter of British America Assurance Co. 1833, and solicitor to company till death.

Promoter Toronto and Huron R.R. Co.

At his death was oldest lawyer practicing in Ontario

First lease of
Hart house
Port Credit.

Queries----

Who is Samuel Gamble who in 1840 owned land in Chingacousy? Is he a connection of this family?

R.D.Gamble, manager of Brampton branch Dominion Bank, and Well-known cricketer. Captain Brampton Cricket Club, 1881. Is he a connection?

Moses Gamble, who in 1823 was on Grand Jury of Home District,. Is he a relative?

1797. Petition. Wm. Gamble wants land in Newark to start brewery. Has brought family into province. Is he relative?